American history and institutions and knows how to read, write and speak the English language.

Provided, however, that the provision concerning knowledge of the English language shall be liberally construed during the two years after this Act goes into effect; it being understood that it would be difficult within that time to secure teachers fully qualified under this section and at the same time qualified to teach a foreign language. And provided, further, and it is hereby declared that the object of this Act is to regulate and not to prohibit the conducting of foreign language schools and the teaching of foreign languages; but to regulate the same so that the Americanism of the pupils may be promoted, and the department is hereby directed to carry this Act into effect in accordance with the spirit of this declaration.

Section 5. Before issuing a permit to conduct a foreign language school or to teach in such a school the department shall require the applicant for such permit to sign a pledge that the applicant will, if granted a permit to conduct or teach in such a school, abide by and observe the terms of this law and the regulations and orders of the department and will, to the best of his ability, so direct the minds and studies of pupils in said school as will tend to make them good and loyal American citizens and will not instruct or permit said pupils to receive instruction in said school in any way inconsistent therewith.

Section 6. No foreign language school shall be conducted in the morning before the school hours of the public schools or during the hours while the public schools are in session. Nor shall any pupil attend a

foreign language school for more than one hour each day nor exceeding six hours in any one week, nor exceeding thirty-eight weeks in any school year.

Provided, however, that the department may, in its discretion, with the approval of the governor, modify the terms of this section if it deems it can do so consistently with the declared object of this Act.

Section 7. The department shall have full power from time to time to prescribe the course and courses of study and the text books to be used in any foreign language school, and no other course of instruction or text books shall be used in such schools, except the ones prescribed by the said department. No books used in any foreign language school shall be furnished at the expense of the department.

Section 8. If the department shall at any time become satisfied that any holder of a permit to conduct a foreign language school or to teach therein does not possess the qualifications herein required, or shall have violated or failed to observe any of the provisions of this Act, or of the regulations or orders of the department, the department may then and thereupon revoke the permit theretofore granted and the same shall thereupon be and become null and void.

Provided, however, that before so doing, the department shall first notify the holder of said permit to show cause why such action should not be taken and shall give such holder full opportunity to be heard in defense. The decision of the department shall be final.

Section 9. Any person who shall conduct a foreign language school, or who shall teach in a foreign lan-

guage school, contrary to the provisions of this Act, or who shall violate any of the terms thereof, or of the regulations or orders of the department, shall be guilty of a misdemeanor and upon conviction thereof punished by a fine not to exceed twenty-five dollars ($25.00). Each day's violation of this Act shall be deemed a separate offense.

Section 10. This Act shall take effect on the first day of July, 1921.

Approved this 24th day of November, A. D. 1920.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 171

Session Laws of 1923, Territory of Hawaii

AN ACT to Amend Sections 1, 2, 4, 7 and 8 of Act 30 of the Special Session Laws of 1920, and Adding Thereto a New Section to be Known as Section 9A, Relating to Foreign Language Schools.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 30 of the Special Session Laws of 1920, is hereby amended to read as follows:

"Section 1. The term 'foreign language school,' as used in this Act, shall be construed to mean any school which is conducted in any language other than the English language or Hawaiian language, except Sabbath schools. All subdivisions and activities under the

direction, management or supervision of any foreign language school, whatever language may be used in such subdivision and/or activities, shall be subject to the provisions of this Act. The word 'department' shall mean the department of public instruction of the Territory of Hawaii."

Section 2. Section 2 of Act 30 of the Special Session Laws of 1920 is hereby amended to read as follows:

"Section 2. No person shall conduct a foreign language school in the Territory of Hawaii without a written permit from the department of public instruction. All permits, licenses, certificates or consents of every kind or nature issued by the department to any foreign language school, or to any person or persons conducting such school—irrespective of the law or laws under which the same were issued and the time when issued—shall on or after May 5, 1923, be of no effect. After September 1, 1923, no permit shall be issued without a fee being paid therefor, the amount of which fee shall be based on the school attendance. The said fee shall be computed on the average attendance of the previous year at the rate of one dollar ($1.00) per pupil, except as to schools just starting, the fee of which shall be computed at the same rate on the expected average attendance—as estimated by the department—and shall be correctly adjusted to conform to the actual average attendance, by an addition to, or a subtraction from, the fee payable for the following year.

"On September 1, 1923, and annually thereafter, all permits, in order to be valid, must be renewed and shall, unless previously forfeited, be renewed by the

department on the payment of a fee determined in the same manner as above specified; provided that the department shall not be required to renew a permit for the conducting of any foreign language school in the conducting of which there has been a violation of the terms or provisions of this Act. All of said fees collected by the said department shall be paid over to the treasurer of the Territory of Hawaii, and the moneys so paid are hereby appropriated to the department of public instruction to be expended in enforcing and carrying out the provisions of this Act. If at any time the funds at the disposal of the department from fees previously collected, or from royalties, commissions or other moneys received in connection with the publication or sale of foreign language school text books, shall make it possible fully and effectively to carry out the provisions of this Act with the permit fees payable by the schools based on a lower rate than one dollar ($1.00) per pupil, the department is authorized to make such a reduction in that rate as it may deem reasonable and expedient.

"Every person conducting a foreign language school shall, not later than June 15 of each year, file with the department on forms prescribed or furnished by it, a sworn list of all pupils in attendance at said school during the current school year, showing the name, sex, parents, or guardians, place of birth and residence of each child; provided, however, that the department may, on cause shown, modify the requirements of this sentence during the year 1923."

Section 3. Section 4 of Act 30 of the Special Session Laws of 1920 is hereby amended to read as follows:

"Section 4. No permit to teach in a foreign language school shall be granted unless and until the department is satisfied that the applicant for the same is possessed of the ideals of democracy; knowledge of American history and institutions, and knows how to read, write and speak the English language.

"It is hereby declared that the object of this Act is to fully and effectively regulate the conducting of foreign language schools and the teaching of foreign languages, that the Americanism of the pupils may be promoted; and the department is hereby directed to carry this Act into effect in accordance with this declaration."

Section 4. Section 7 of Act 30 of the Special Session Laws of 1920 is hereby amended to read as follows:

"Section 7. The department shall have full power from time to time to prescribe, by regulations, the subjects and courses of study of all foreign language schools, and the entrance and attendance prerequisites or qualifications of education, age, school attainment, demonstrated mental capacity, health and otherwise, and the text books to be used in any foreign language school.

"Until otherwise provided by the department, the following regulations shall be in effect:

"From the present up to September 1, 1923, every pupil shall have first satisfactorily completed the American public school first grade, or a course equivalent thereto, before attending, or being allowed to further attend, any foreign language school.

"Beginning September 1, 1923, and thereafter, every pupil shall have first satisfactorily completed the American public school first and second grades, or courses equivalent thereto, before attending or being allowed to further attend, any foreign language school.

"Beginning September 1, 1923, and thereafter, for grades one, two and three; and beginning September 1, 1924, and thereafter, for grades four and above; all new text books used in elementary foreign language schools shall be based upon the principle that the pupil's normal medium of expression is English and shall contain, as far as practicable, English equivalents for foreign words and idioms.

"The department is hereby authorized to prepare or cause to be prepared or procure or arrange for procuring suitable text books for the teaching of foreign languages in the foreign language schools and to enter into an agreement or agreements for the publishing and sale of the same. All royalties, commissions and money received by or on behalf of the department in connection with the publication or sale of such text books shall be paid over to the treasurer of the territory and are hereby appropriated to the department to be expended for the purposes of this Act. In every foreign language school no subject of study shall be taught, nor course of study followed, nor entrance nor attendance qualification required, nor text books used, other than as prescribed or permitted by the department, provided, however, that the regulations set forth in Section 7 of this Act shall be effective until superseded in part, or in whole, by others made by the department."

Section 5. Section 8 of Act 30 of the Special Session Laws of 1920, is hereby amended to read as follows:

"Section 8. The department shall have power to appoint one or more inspectors of foreign language schools and to pay the salaries and necessary expenses thereof; such inspectors and other duly authorized agents of the department shall have the right freely to visit said foreign language schools and to inspect the buildings, equipment, records and teaching thereof and the text books used therein.

"If the department shall at any time become satisfied that any holder of a permit to conduct a foreign language school or to teach therein does not possess the qualifications herein required, or shall have violated or failed to observe any of the provisions of this Act, or of the regulations or orders of the department, the department may then and thereupon revoke the permit theretofore granted and the same shall thereupon be and become null and void."

Section 6. Act 30 of the Special Session Laws of 1920 is hereby amended by adding thereto a new section to be known as Section 9A and to read as follows:

"Section 9A. If any section or part of this Act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid."

Section 7. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 152

Session Laws of 1925,

Territory of Hawaii

AN ACT to Amend Sections 391 and 398 of the Revised Laws of Hawaii 1925, Relating to Foreign Language Schools.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 391 of the Revised Laws of Hawaii 1925, is hereby amended by substituting for the first paragraph thereof the following:

"Section 391. PERMITS, FEES. No foreign language school shall be conducted in the Territory unless under a written permit therefor from the department of public instruction nor unless the fee therefor shall have been paid as hereinafter provided. Nor shall such permit be issued unless such fee shall have been paid. Such permit shall be kept exposed in a prominent place at such school so as to be readily seen and read by visitors thereat.

"For the purposes of this chapter the school year shall be deemed to begin on September 1 of each year and to end on August 31 of the following year. After May 10, 1925, on or before the first day on which any foreign language school shall be conducted in any school year or unexpired part thereof, there shall be paid to the department for or in respect of conducting such school during such school year or unexpired part thereof a fee, the amount of which shall be computed as nearly as may be, at the rate of one dollar ($1.00) per pupil, on the estimated average attendance of

pupils at such school during the period during which such school was conducted in the next preceding school year or, if such school shall not have been conducted during any part of such preceding school year, then at the same rate on the estimated expected average attendance during the school year or unexpired part thereof in question, in which latter case the amount shall be adjusted to conform to the estimated average attendance during such year or part thereof by an addition to or subtraction from the fee payable for the next following school year. The amount of such fee shall be estimated and determined by the department from such information as it may have and shall be payable by any person, persons or corporation conducting or participating in conducting such school. All officers, all teachers, and all members of any committee or governing board of any such school, and, in case such school is conducted by or for a corporation or a voluntary association or other group of persons, all members or associates of such corporation, association or group, shall be deemed to be participants in conducting such school. Payment heretofore made for any school for the school year beginning September 1, 1924, or any part thereof of the fee which was provided for in this section before the passage of this amendment shall be deemed to be in full satisfaction of the fee required hereunder for such school for such school year or the unexpired part thereof.

"In case any such school shall be conducted at any time without such fee having been paid for conducting the same, the Territory may recover such fee in a civil action against any person, persons or corporation who

tory, or with the duty of disbursing moneys on account of the public service shall become and be "public accountants," and shall perform all such duties and render such accounts as this chapter prescribes, and as the treasurer and auditor shall from time to time direct. (L. 1898, c. 39, s. 29; R. L. s. 1515; R. L. 1915, s. 1384.)

Sec. 1444. PAYMENT TO TERRITORY UNDER PROTEST. Moneys representing a claim in favor of the Territory may be paid to a public accountant of the Territory under protest in writing signed by the person making such payment, or by his agent, setting forth the grounds of such protest, in which event the public accountant to whom such payment is made shall hold the money so paid for a period of thirty days from the date of payment.

Action to recover the money so paid, or proceedings to adjust the claim may be commenced by the payor or claimant against the public accountant to whom the payment was made, in a court of competent jurisdiction, within said period of thirty days, and in default of bringing such suit or proceedings within said period, the money so paid shall be by such accountant deposited in the Treasury of the Territory, and the same shall thereupon become a government realization.

If action to recover the money so paid under protest, or proceedings to adjust the claim, shall be commenced within thirty days after payment of the money under protest, the amount so paid shall be transmitted by the public accountant to the treasurer of the Territory who shall hold the same as a special deposit pending the

final decision of the cause. If the final decision of the cause shall be in favor of the claimant, the treasurer of the Territory shall pay to him out of such special deposit, such amount as shall have been adjudged to be due to him in such cause; the amount so to be paid to be ascertained by the treasurer from a certified copy of the judgment of the court, in which the cause was finally determined which shall be his authority and warrant for such payment. (L. 1907, c. 45, s. 1; R. L. 1915, s. 1392.)